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STATE OF HAWAII, DEPARTMENT
OF PUBLIC SAFETY, FRANCIS
SEQUEIRA, and NOLAN ESPINDA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ELIZABETH A. MUELLER,

Plaintiff,

vs.

STATE OF HAWAII,
DEPARTMENT OF PUBLIC
SAFETY; FREDDIE
CARABBACAN, in his individual
capacity and official capacity as
Deputy Sheriff, Department of Public
Safety, State of Hawaii; FRANCIS
SEQUEIRA, in his individual capacity
and official capacity as Warden of the
Oahu Community Correctional Center,
Department of Public Safety, State of
Hawaii; NOLAN ESPINDA in his

CIVIL No. _____

NOTICE OF REMOVAL; EXHIBIT
“A”; CERTIFICATE OF SERVICE

Trial Date: None

individual capacity and official
capacity as Director of the Department
of Public Safety, State of Hawaii;
DOE DEFENDANTS 1-10,

Defendants.

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF HAWAII

Petitioners, STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY,
FRANCIS SEQUEIRA, and NOLAN ESPINDA, herein show:

1. A civil action, filed on October 30, 2017, is now pending in the First Circuit Court of the State of Hawaii wherein ELIZABETH A. MUELLER, is the Plaintiff and Petitioners are Defendants STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY, FRANCIS SEQUEIRA, and NOLAN ESPINDA which action is designated Civil No. 17-1-1764-10 DEO. A copy of the Complaint and Summons is attached hereto as Exhibit "A".

2. Said action is a civil action over which the United States District Courts have original jurisdiction, in that this action to recover damages is brought pursuant to 42 U.S.C. § 1983, et seq. for alleged deprivation of rights guaranteed Plaintiff under the Constitution and the laws of the United States. This Court has original jurisdiction over such matters pursuant to 28 U.S.C. § 1331, and 1343

(a)(3) and (4), and the right to remove such action to this Court is granted pursuant to 28 U.S.C. § 1441.

3. As of this date, Petitioners do not believe that Defendant FREDDIE CARABBACAN has been served with the Summons and Complaint in this matter.

4. Petitioners have expressly consented to this removal.

WHEREFORE, Petitioners pray that this action be removed to this Court.

DATED: Honolulu, Hawaii, November 22, 2017.

STATE OF HAWAII

DOUGLAS S. CHIN
Attorney General of Hawaii

/s/ Marie Manuele Gavigan
MARIE MANUELE GAVIGAN
Deputy Attorney General

Attorney for Defendants
STATE OF HAWAII, DEPARTMENT OF
PUBLIC SAFETY, FRANCIS SEQUEIRA,
and NOLAN ESPINDA